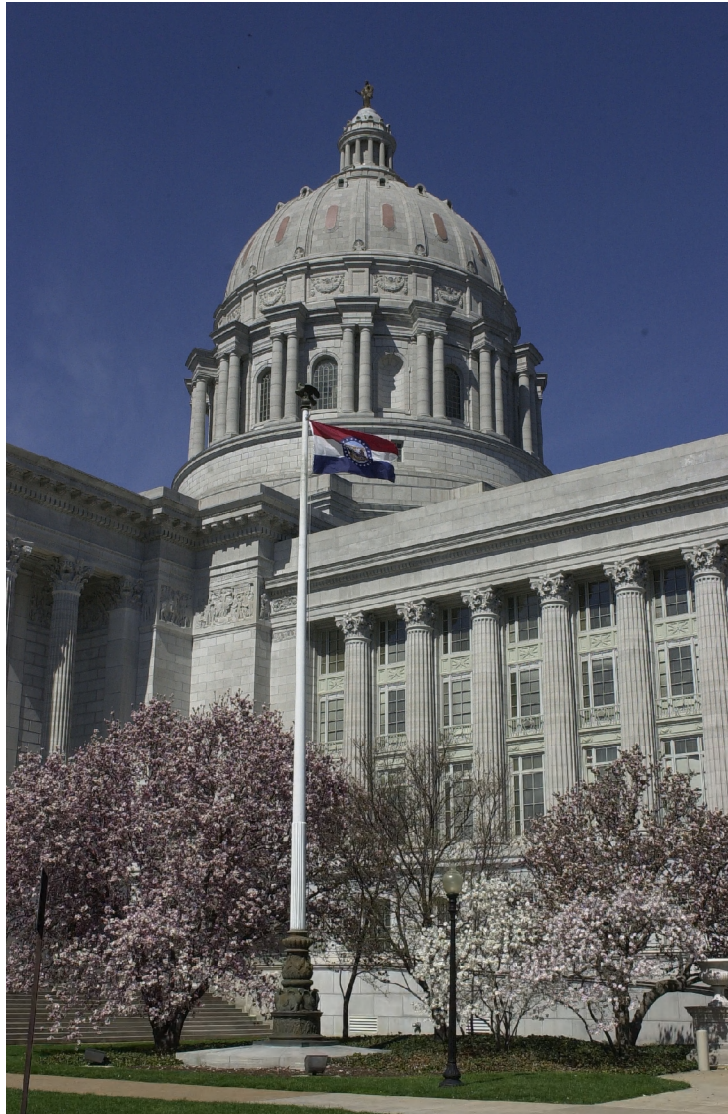


A REVIEW OF OPEN ENROLLMENT STATES: POLICIES AND PRACTICES



**PREPARED FOR THE GENERAL ASSEMBLY
BY THE JOINT COMMITTEE ON EDUCATION**

DECEMBER 2009

Joint Committee on Education

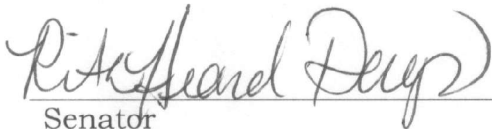
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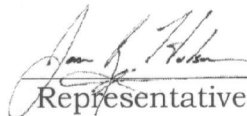
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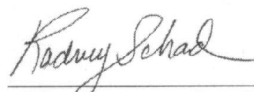
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Executive Summary

The following is a report on interdistrict open enrollment. Open enrollment allows students to attend a public school district other than their district of residence. Missouri law allows for open enrollment options, but open enrollment is not currently mandated.

In this report, the states included are those where interdistrict open enrollment is mandatory statewide. Within states' open enrollment laws, most address special education, transportation, capacity, and funding. In the majority of those states, parents are responsible for transportation, or at minimum, transportation to a point within the boundaries of the receiving district. In addition, most open enrollment laws specify capacity thresholds over which they will not accept nonresident students. Next, various issues around the education of students with special needs are addressed with the most common being the ability of the receiving district to meet the needs of the student as required by the student's individualized education plan (IEP). Finally, for the laws which address funding, in most cases the per pupil expenditure is paid to the receiving district by the sending district.

Twelve of 14 open enrollment states receive a higher percentage of state revenue to fund K-12 education than Missouri receives. Local revenue supports 58% of Missouri's K-12 education funding which is a higher percentage than 13 of 14 of the states with mandatory open enrollment.

Participation in open enrollment ranges from 0.5% to 18.8% (median = 4.7%) of public school students within each state with an interdistrict open enrollment law.

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Section 1 – Missouri Open Enrollment Statutes

Options for students to enroll in a public K-12 school district other than the district of residence exist in many states in various forms. Missouri is one of several states with optional open enrollment provisions in statutes.¹

Missouri's existing interdistrict open enrollment laws are summarized below.

- | | |
|-----------------|--|
| RSMo. 167.121.1 | The Commissioner of Education may assign a student to a district other than the district of residence if the attendance in the district of residence would create a transportation hardship. |
| RSMo. 167.121.2 | A parent or guardian may enroll his or her child in Missouri's virtual school if the district of residence is lapsed, unaccredited, or provisionally unaccredited for two consecutive years. |
| RSMo. 167.131 | The board of education of a district that does not maintain an accredited school must pay the tuition and transportation for students to attend an adjacent district. |
| RSMo. 167.151 | The board of education of a district may allow nonresident students to attend school in the district without paying tuition in some circumstances. |
| RSMo. 162.1045 | The State Board of Education shall direct DESE to develop guidelines for an optional open enrollment pilot program. |
| RSMo. 162.1060 | "Metropolitan Schools Achieving Value in Transfer Corporation", an urban voluntary school transfer program, established. |

¹ A list of other states with optional open enrollment statutes may be found in Appendix B.

Section 2 - State Laws on Open Enrollment²

Below is a summary of the provisions in state laws where interdistrict open enrollment is mandatory. States where open enrollment is optional or restricted are not included.

In the state statutes on open enrollment for the 14 states featured in this report

- 12 address students receiving special education services.
- 11 address transportation.
- 11 address capacity.
- 10 address desegregation laws or maintaining racial balances in districts.
- 9 address funding.
- 9 address admission of students who have been expelled from a district.
- 8 address eligibility for competitive athletics.
- 8 have an application deadline referenced in the statute. (Two others note that states must develop an application deadline.)

The empirical research on open enrollment is very limited. Variations in states' open enrollment laws make comparative, comprehensive research challenging. Furthermore, the little research on open enrollment that does exist was conducted in the mid 1990s shortly after many open enrollment laws took effect.

Supporters of open enrollment often view open enrollment from a free-market perspective, namely that competition among districts will be motivation to regain or maintain quality in order to make the district attractive to students and their families (Dillon, 2008). However, others note that if students are utilizing open enrollment for convenience rather than academic reasons, then that removes the motivation for sending schools to improve academic programs to retain students (Fossey, 1994; Smith, 1995).

In a survey of parents³ who chose open enrollment, "educational benefits" was both the most common response and the response noted most frequently as most important. School atmosphere/philosophy/values and proximity and convenience were also cited frequently as an advantage of open enrollment (Backes & Slotsve, 1996).

² Source: State Statutes listed on p. 12 and "State Notes: Open Enrollment," Education Commission of the States, 2001, updated 2004.

³ From a 1994 survey of parents utilizing the open enrollment option in North Dakota. N= 287; response rate 52%.

If research studies or articles referenced information pertinent to a subtopic below, that information has been noted.

In addition, all of the open enrollment statutes allow for the choice of *district*, but none specifically allow the choice of the *school* within the district.

Special Education	
Arizona	The receiving district must provide transportation for special needs students (<20 miles one way).
Arkansas	Student disabilities are not grounds for denial of transfer application.
Colorado	A 2003 court decision found that limiting the number of nonresident special education students was not an illegal quota ⁴ .
Connecticut	The sending district must pay the receiving district an amount necessary to cover the cost of education and services for any special needs student.
Delaware	Districts do not have to accept transfer applications if they do not have the programs or facilities to accommodate the needs of the student specified in an IEP.
Georgia	(not addressed)
Iowa	Districts do not have to accept transfer applications if they do not have the programs or facilities to accommodate the needs of the student specified in an IEP.
Minnesota	Student disabilities are not grounds for denial of transfer application.

⁴ Source: *Bradshaw v. Cherry Creek Sch. Dist. No. 5*, 98 P.3d 886 (Colo. App. 2003).

Nebraska	<p>The sending district must provide transportation for special needs students.</p> <p>Student disabilities are not grounds for denial of transfer application.</p> <p>“The enrollment option program does not preclude a school district from contracting with other school districts, educational service units, or other state-approved entities for the provision of services. A child with a disability receiving services from another district pursuant to contract due to lack of appropriate programming in his or her resident school district is not eligible to transfer as an option student into the district currently providing services but is eligible to transfer as an option student into any other district which accepts option students and has an appropriate program.”</p> <p>Receiving districts are reimbursed by the state for the costs of special education services provided to nonresident students.</p>
Oklahoma	<p>Students who are deaf or hearing impaired may apply to transfer at any time during the school year to a school with a specialized deaf education program.</p>
South Dakota	<p>The receiving district will review student records and meet with appropriate individuals to determine if the district can offer the services required by the student’s IEP.</p> <p>If transportation is required as part of a student’s IEP as a related service, the receiving district shall provide transportation within the boundaries of the district.</p>
Utah	<p>Districts do not have to accept transfer applications if they do not have the programs or facilities to accommodate the needs of the student specified in an IEP. However, if a district offers the needed programs and is not at capacity, a student may not be denied application because of disability.</p>
Washington	(not addressed)
Wisconsin	<p>If the nonresident student’s IEP requires services not available in the receiving district, then the board of the receiving district may notify the parents that such services are not available, and the student shall be transferred back to his or her resident district.</p> <p>If special education services required under a student’s IEP would place undue financial hardship on the sending district if the services were to be supplied to a receiving district, then the sending district may refuse to allow the student to transfer.</p>

Transportation	
Arizona	Parents are responsible. The receiving district may provide transportation to low-income students (<20 miles one way). The receiving district must provide transportation for special needs students (<20 miles one way).
Arkansas	Parents are responsible. The sending or receiving district may provide.
Colorado	(not addressed)
Connecticut	The state provides grants to LEAs or regional educational service centers.
Delaware	Parents are responsible. Low-income families may receive a stipend equal to the per pupil transportation cost of the district. Eligible secondary students may receive public transportation passes to get them to a point within the receiving district bus route.
Georgia	Parents are responsible.
Iowa	Parents must pay cost of transporting student to the border of the receiving district. Low-income families are eligible for reimbursement of the cost of transportation up to the average transportation cost per pupil for the district. Reimbursement is paid by the sending district.
Minnesota	Parents must pay the cost of transporting the nonresident student to the border of the receiving district. Low-income families are eligible for reimbursement of the cost of transportation.
Nebraska	Parents must pay the cost of transporting the student to the border of the receiving district. Low-income families are eligible for reimbursement of the cost of transportation. A receiving district may offer to provide transportation for a nonresident student and charge the parent for the cost of transportation.
Oklahoma	(not addressed)
South Dakota	Parents are responsible. Schools are not required to provide transportation. The sending or receiving district may provide transportation. The receiving district may charge a “reasonable fee” if the student utilizes district transportation.
Utah	Parents are responsible. The receiving district may pick up nonresident students at points within the district boundaries.
Washington	(not addressed)

Wisconsin	Parents must pay the cost of transporting the student to the border of receiving district. Low-income families are eligible for reimbursement of the cost of transportation. The sending or receiving district may provide transportation for a student, but they cannot go outside district boundaries. Only the receiving district receives state aid for transportation.
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Capacity	
Arizona	(not addressed)
Arkansas	Each district must develop a policy of standards for acceptance of nonresident pupils which may include capacity.
Colorado	Districts are not required to expand capacity by adding teachers, schools, or programs to accommodate students who would like to transfer to the district.
Connecticut	(not addressed)
Delaware	Each district must develop a policy of standards for acceptance of nonresident pupils which may include capacity.
Georgia	New schools do not have to accept students for four years after the date they open.
Iowa	Each district must develop a policy defining “insufficient classroom space.”
Minnesota	A district may limit the number of nonresident students it will admit. Any district that denies a transfer application due to capacity must report this to the Commissioner of Education.
Nebraska	Each district must develop a policy of standards for acceptance of nonresident pupils which may include capacity.
Oklahoma	Each district must develop a policy of standards for acceptance of nonresident pupils which may include capacity.
South Dakota	Each district must develop a policy of standards for acceptance of nonresident pupils which may include capacity.

Utah	Participation in open enrollment is mandatory only if the receiving district is not currently over enrollment capacity as established by the State Board of Education. Each district must develop a policy of standards for acceptance of nonresident pupils which may include capacity.
Washington	Each district must develop a policy of standards for acceptance of nonresident pupils which may include restriction for anything that would result in a financial hardship for the district.
Wisconsin	(not addressed)
<p>Notes: Most states' interdistrict open enrollment laws have a provision that allows districts to reject transfer requests for capacity reasons (National Governor's Association). The process for determining open enrollment spaces available may include allowing for resident students, accommodating students with previous transfer authorizations, providing for special needs students, and serving magnet school students. After these considerations, many schools do not have additional open enrollment spaces (Andre-Bechly, 2005).</p> <p>Massachusetts law⁵ does not allow districts to prohibit students from transferring out; however, the law also does not require that any district accept transfer students. In a recent report, Dillon (2008) noted that several affluent suburban districts surrounding Boston chose not to accept transfers. Dillon found this to be consistent with other voluntary open enrollment programs: if it is an option, affluent suburban districts are less likely to participate (Dillon, 2008).</p>	

Funding	
Arizona	(not addressed)
Arkansas	Nonresident students are counted in the average daily attendance rate of the receiving district for the purposes of state aid.
Colorado	(not addressed)
Connecticut	"Each sending district and each receiving district shall divide the number of children participating in the program who reside in such district or attend school in such district by two for purposes of the [average daily attendance] counts."

⁵ Massachusetts interdistrict open enrollment law is voluntary. Districts are not required to participate.

Delaware	The per pupil expenditure is paid by the sending district to the receiving district. The amount paid is the lesser of the two districts. If the per pupil expenditure of the sending district is higher than that of the receiving district, the difference is put into a "School Choice Fund" administered by the Department of Education. Monies in the School Choice Fund are distributed on a pro rata basis to receiving districts whose per pupil expenditure is higher than that of the sending district. (Funding is explained in detail in 14 Del. C. Section 408.)
Georgia	(not addressed)
Iowa	The per pupil expenditure is paid by the sending district to the receiving district.
Minnesota	(not addressed)
Nebraska	"Option students" are counted in the average daily attendance of the receiving district for the purposes of funding.
Oklahoma	The receiving school districts may not charge fees to the sending district.
South Dakota	The sending school district must pay the receiving school district based on the formula of local need for the receiving district.
Utah	The sending school district must pay receiving school district "half the amount by which the resident district's per student expenditure exceeds the value of the state contribution."
Washington	(not addressed)
Wisconsin	If the state portion of the per pupil funding is higher in the nonresident district than in the resident district, the state will increase the nonresident district's state aid payment by the difference. (Wisconsin has the most detailed information on funding included in their statutes. 118-51.118.)

Notes: According to a study by the National Governor's Association Center for Best Practices, increasing the percentage of per pupil funding contributed by the state would increase the viability of choice options because it would reduce conflict over differing per pupil funding amounts.

In Massachusetts some districts with declining enrollments have used the open enrollment law as an opportunity to recruit new students (e.g., in 2007 one district gained \$700,000 in per pupil tuition payments) (Dillon, 2008). However, some districts lost revenue. In 2007 one district lost 262 students and \$1.4 million; another district lost 550 students and \$3 million (Dillon, 2008).

Desegregation Provisions	
Arizona	Any transfer must be in compliance with desegregation court orders.
Arkansas	The law contains specific guidelines on racial/ethnic ratios which must be maintained.
Colorado	Any transfer must be in compliance with desegregation court orders.
Connecticut	The open enrollment law is intended to increase diversity and reduce racial/ethnic isolation. The law contains specific guidelines on racial/ethnic ratios which must be maintained.
Delaware	Any transfer must be in compliance with desegregation court orders.
Georgia	(not addressed)
Iowa	Any transfer must be in compliance with desegregation court orders. Any request which helps to facilitate desegregation law shall be given priority.
Minnesota	Any transfer must be in compliance with desegregation court orders.
Nebraska	Any transfer must be in compliance with desegregation court orders. Districts may develop policies around open enrollment which are designed to support desegregation.
Oklahoma	(not addressed)
South Dakota	(not addressed)
Utah	(not addressed)
Washington	Districts cannot accept transfers which will negatively impact any desegregation plan.

Wisconsin	Districts must reject applications for transfer which will work against racial balance. (Specific desegregation provisions are in a different statute than the statewide open enrollment.)
<p>Notes: Nebraska law was modified to clarify that open enrollment transfers could not work to the detriment of desegregation provisions (McKinney, 1996). In an article reviewing open enrollment laws in Nebraska and Iowa, McKinney (1996) found that desegregation provisions provided the most common reason for transfer denial among those transfer denials which were appealed. Studies of open enrollment laws in Iowa and Nebraska (McKinney) and Massachusetts (Dillon) found that black students do not proportionately utilize open enrollment options and that open enrollment has consistently enrolled a disproportionate number of white students (Dillon, 2008).</p>	

Athletics	
Arizona	(not addressed)
Arkansas	Athletic ability (in addition to academic ability, other extracurricular ability, or disability) may not be used as admissions criteria.
Colorado	(not addressed)
Connecticut	(not addressed)
Delaware	The law contains restrictions on participation in competitive athletics. A nonresident student may not participate in athletics during the first year of enrollment in a receiving district if the student is transferring from another district in which the student is a nonresident.
Georgia	(not addressed)
Iowa	Nonresident students are not eligible to participate in competitive athletics for 90 days upon entering the receiving district unless the student is entering ninth grade for the first time.
Minnesota	Athletic ability (in addition to academic ability, other extracurricular ability, or disability) may not be used as admissions criteria.
Nebraska	Eligibility for extracurricular activities for “option students” is the same as the law for students transferring into the district under any other circumstances. Athletic ability (in addition to academic ability, other extracurricular ability, or disability) may not be used as admissions criteria.

Oklahoma	Athletic ability (in addition to academic ability, other extracurricular ability, or disability) may not be used as admissions criteria. Nonresident students are not eligible for extramural athletic competition for one year following transfer.
South Dakota	(not addressed)
Utah	Athletic ability (in addition to academic ability, other extracurricular ability, or disability) may not be used as admissions criteria. The State Board of Education and the Utah High School Athletics Association are responsible for establishing policies regarding nonresident transfer student participation in competitive athletics.
Washington	The Washington High School Athletics Association is responsible for establishing policies regarding nonresident transfer student participation in competitive athletics.
Wisconsin	(not addressed)
<p>Notes: Minnesota adjusted its original law on open enrollment to address the issue of athletic participation. The amendment allowed a student the option to transfer once during high school without facing a penalty requiring that the student sit out for a period of time before participating in sports. In addition, midyear transfers are not allowed. (Nathan & Boyd, 2003).</p>	

Expulsion	
Arizona	(not addressed)
Arkansas	Expulsion is grounds for refusal of a transfer application.
Colorado	Expulsion is grounds for refusal of a transfer application.
Connecticut	(not addressed)
Delaware	Suspension or expulsion is grounds for refusal of a transfer application.
Georgia	(not addressed)
Iowa	Suspension or expulsion is grounds for refusal of a transfer application. However, once a student has been reinstated, he or she is eligible to transfer.
Minnesota	Suspension or expulsion is grounds for refusal of a transfer application.

Nebraska	Students who have been expelled from a previous school district require approval to enroll from the receiving district Board of Education.
Oklahoma	(not addressed)
South Dakota	(not addressed)
Utah	Applications may be denied for students who have had serious past disciplinary problems. A board may grant provisional enrollment to a student with prior behavioral problems.
Washington	Applications may be denied for students who have had serious past disciplinary problems including expulsion from school, violent crime, or gang activity.
Wisconsin	Student records of any previous or current expulsions must be provided to the nonresident district by the resident district.

Application Deadline	
Arizona	(not addressed)
Arkansas	July 1
Colorado	Each district is required to establish a transfer application deadline.
Connecticut	(not addressed)
Delaware	Second Wednesday in January
Georgia	Each district is required to establish a transfer application deadline.
Iowa	March 1 (September 1 of current year for kindergarten)
Minnesota	January 15
Nebraska	March 15
Oklahoma	April 1
South Dakota	(not addressed)
Utah	Third Friday in February for early enrollment period.
Washington	(not addressed)
Wisconsin	Third Friday following the first Monday in February.

Statutes and Dates Enacted⁶		
Arizona	ARS Section 15-816 – 15-816.07	1994
Arkansas	ASA Section 6-18-206	1989
Colorado	Colorado Rev. Stat. Section 22-36-101; Section 22-36-106	1994
Connecticut	CGS Section 10-266aa	1998
Delaware	14 Del. C. Sections 401-413	1996
Georgia	[HB 251 section 1 (2009)]	2009
Iowa	IC Sections 282.18 and IAC 281-17	1989
Minnesota	MS Section 124D.03	1988
Nebraska	R.R.S. Neb. Sections 79-232 – 79-246	1989
Oklahoma	70 Okl. St. Sections 8-101 – 8-112	1999
South Dakota	S.D. Codified Laws Sections 13-28-40 – 13-28-49	1997
Utah	UCA Sections 53A-2-207 – 53A-2-212	1993
Washington	Rev. Code Wash. Sections 28A.225.220, 28A.225.225, 28A.225.230, 28A.225.240, 28A.225.280, 28A.225.290, 28A.225.300, 28A.225.310	1990
Wisconsin	WS Sections 118.51-118.52, 121.58; 121.85	1997

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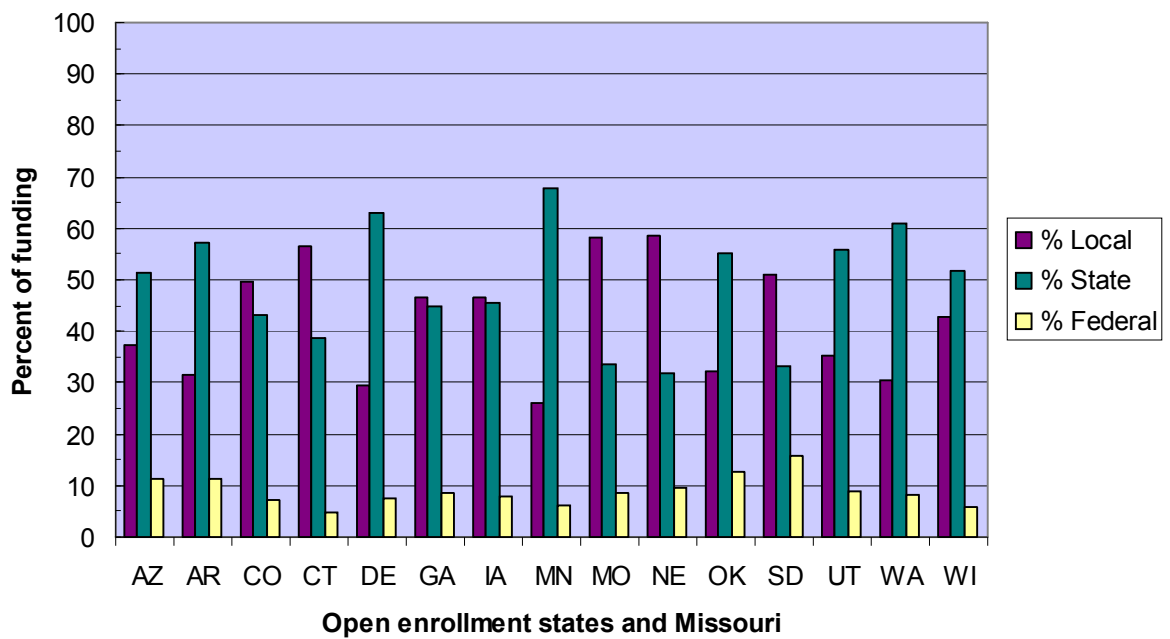
⁶ Refers to the date the first open enrollment legislation was enacted in the state.

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Section 3 – K-12 Education Funding Distribution⁷

For most of the states that address funding in their open enrollment laws, the per pupil funding is paid to the receiving district by the sending district. State revenue represents the largest share of total K-12 funding in 8 of the 14 open enrollment states, (Figure 1., Table 1.).

Figure 1. Revenue Sources - Elementary and Secondary Education



⁷ Data Source: National Center for Education Statistics, U.S. Department of Education. <http://nces.ed.gov>. All data are from FY07.

Table 1. Revenue Sources – Elementary and Secondary Education

State	% Local	% State	% Federal
Arizona	37.4	51.5	11.2
Arkansas	31.4	57.4	11.2
Colorado	49.8	43.2	7.0
Connecticut	56.6	38.8	4.6
Delaware	29.4	63.1	7.5
Georgia	46.6	44.8	8.5
Iowa	46.5	45.5	8.0
Minnesota	26.2	67.7	6.1
Missouri	58.1	33.4	8.5
Nebraska	58.6	31.9	9.4
Oklahoma	32.2	55.1	12.7
South Dakota	51.0	33.2	15.7
Utah	35.4	55.7	8.9
Washington	30.6	61.1	8.3
Wisconsin	42.6	51.6	5.7

In comparing funding sources between Missouri and mandatory open enrollment states, Missouri is second to Nebraska in percentage of funding from local revenue (Figure 2.). Missouri has a lower percentage of state revenue for K-12 education than 12 of the 14 open enrollment states (Figure 3.).

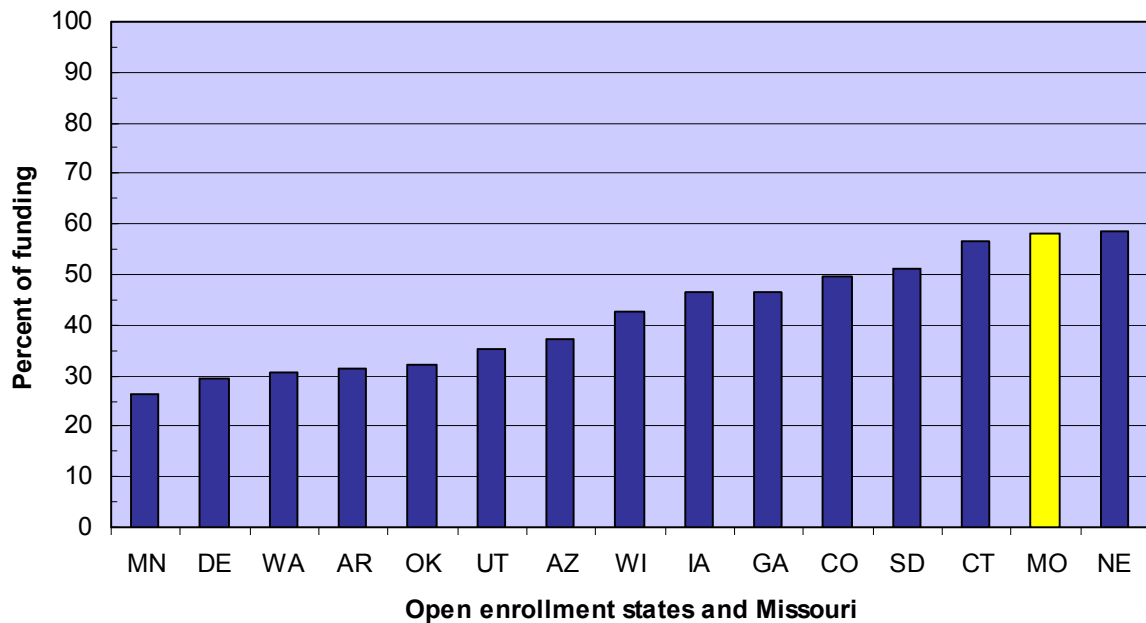
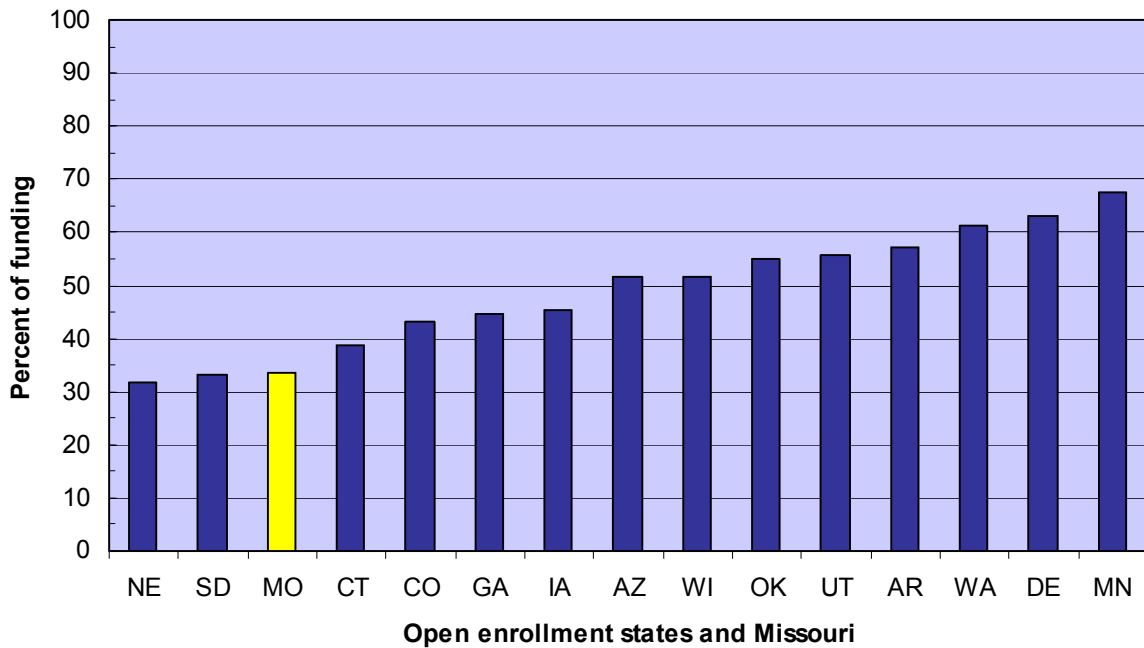
Figure 2. Education Funding from Local Revenue


Figure 3. Education Funding from State Revenue



While Missouri's state average K-12 funding is proportioned at 58.1% local, 33.4% state and 8.5% federal, there are variations across Missouri districts (Table 2.). Districts A through X are Missouri districts. Adjacent districts have been paired for comparison.

Variation in the proportion of local revenue in districts across Missouri ranges from a low of 28.3% to a high of 95.3%. Also included in Table 2 are district per pupil expenditures and operating levies.

Federal funds do not flow on a per pupil basis, but some federal funds could shift across districts such as within IDEA, Part B and Title I. Ultimately that would depend on the number of students who transfer through open enrollment, the services those students receive, and the federal funds that flow to both the resident and nonresident district.

Table 2. Missouri K-12 Education Funding by Sample Districts

	Local %	State %	Federal %	CEPP ⁸	Local % CEPP ⁹	District Operating Levy ¹⁰
District A	35.1	46.6	18.2	\$7,998	\$2,807	\$2.75
District B	42.7	46.8	10.5	\$7,959	\$3,398	\$2.75
District C	55.9	35.7	8.3	\$6,751	\$3,774	\$2.75
District D	39.2	51.5	9.4	\$8,097	\$3,174	\$2.75
District E	55.2	29.8	14.9	\$15,549	\$8,583	\$3.13
District F	72.8	20.0	7.2	\$12,174	\$8,863	\$3.93
District G	60.2	32.4	7.3	\$6,718	\$4,044	\$2.93
District H	47.7	41.4	10.9	\$7,635	\$3,642	\$3.50
District I	45.7	44.2	10.1	\$8,832	\$4,036	\$3.69
District J	36.2	55.7	8.1	\$12,893	\$4,667	\$5.13
District K	48.8	38.4	12.8	\$8,466	\$4,131	\$2.82
District L	28.3	58.8	13.0	\$8,855	\$2,506	\$3.70
District M	92.5	5.2	2.2	\$10,662	\$9,862	\$3.54
District N	95.5	4.4	<0.1	\$13,063	\$12,449	\$2.75
District O	73.6	22.2	4.2	\$8,437	\$6,210	\$3.58
District P	71.5	24.9	3.6	\$9,335	\$6,675	\$4.03
District Q	40.9	46.4	12.6	\$8,498	\$3,476	\$3.33
District R	46.0	46.2	7.8	\$7,162	\$3,295	\$4.01
District S	29.7	56.4	13.9	\$7,252	\$2,154	\$2.75
District T	44.6	38.8	16.5	\$7,376	\$3,290	\$2.75
District U	56.7	30.1	13.2	\$15,142	\$8,586	\$5.36
District V	78.1	17.0	4.9	\$9,279	\$7,247	\$4.87
District W	63.3	29.9	6.9	\$10,150	\$6,425	\$4.23
District X	47.9	45.7	6.4	\$8,012	\$3,838	\$3.34

CEPP = current expenditures per pupil

Source: Missouri Department of Elementary and Secondary Education, 2007-2008 academic year.
<http://dese.mo.gov/schooldata/ftpdata.html>.

⁸ Excludes debt payments, capital expenditures and school food service expenditures.

⁹ Proposition C funds are included in the local revenue.

¹⁰ The operating levy is the sum of the Incidental Fund, Teachers Fund and Capital Projects Fund.

Section 4 – Participation in Open Enrollment

Participation in open enrollment ranges between 0.5% and 18.8% of the population of students enrolled in public schools, and the median of participation is 4.7%. Three states do not track open enrollment at the state level (Table 3.).

Table 3. Participation in Open Enrollment

	N	%
Arizona ¹¹	*	*
Arkansas ¹²	2,623	0.5%
Colorado ¹³	57,274	7.0%
Connecticut ¹⁴	13,165	2.3%
Delaware ¹⁵	3,657	2.9%
Georgia ¹⁶	n/a	n/a
Iowa ¹⁷	24,882	5.2%
Minnesota ¹⁸	44,512	18.8%
Nebraska ¹⁹	16,931	5.8%
Oklahoma ²⁰	23,373	3.6%
South Dakota ²¹	5,783	4.7%
Utah ²²	*	*
Washington	*	*
Wisconsin ²³	28,029	3.2%

*State does not track these data.

Enrollment data for Arkansas, Colorado, Delaware, Iowa, and South Dakota are from the 2007-2008 academic year. Enrollment data from Connecticut, Minnesota, Nebraska, Oklahoma, and Wisconsin are from the 2008-2009 academic year.

¹¹ Source: Arizona Department of Education, School Finance Division, Tina Shaw.

¹² Source: Arkansas Department of Education. <http://adedata.arkansas.gov/State/Choice.aspx>.

¹³ Source: Colorado Department of Education. http://www.cde.state.co.us/index_stats.htm

¹⁴ Source: Connecticut Department of Education. Division of Family and Student Support Services. Bureau of Choice Programs, Bureau Chief Mark Linabury. 1,803 were interdistrict open enrollment transfers; 11,362 were interdistrict transfers into magnet schools.

¹⁵ Source: Delaware Department of Education. Charter School and Across District Choice, Statistics and Maps from the September 30, 2008, Unit Count.

¹⁶ Law took effect with 2009-2010 school year.

¹⁷ Source: Iowa Department of Education, Bureau of Accreditation and Improvement Services, Consultant Lois Irwin.

¹⁸ Source: Minnesota Department of Education. <http://education.state.mn.us/MDE/Data/index.html>

¹⁹ Source: Nebraska Department of Education. Data Administration. Bob Beecham.

²⁰ Source: Oklahoma Department of Education. Transportation/Student Transfers/Capital Improvement. Randy McLerran. 11,749 were regular open transfers; 11,624 were emergency transfers. Oklahoma does not require students in the regular open transfer program to reapply each year so the numbers reflect new participants for 2008-2009 but not the overall number of students enrolled in a nonresident district.

²¹ Source: South Dakota Department of Education. <http://doe.sd.gov/ofm/statdigest/08digest/index.asp>.

²² Source: Utah State Office of Education. Assessment Division. Tina Morandy.

²³ Source: Wisconsin Department of Education. Department of Public Instruction. Mary Jo Cleaver

Section 5 – Public Hearings on Open Enrollment

The Joint Committee on Education held the following hearings to take public testimony on open enrollment:

October 20, 2009	Jefferson City
October 29, 2009	Branson
November 4, 2009	St. Louis

This section includes a summary of the ideas and issues presented by witnesses testifying at the hearings.²⁴ The witnesses' statements were not offered in response to specific legislation; all testimony was offered for information only. Some witness testimony addressed statutory language common in states with open enrollment. The most frequent comments were regarding special education, capacity/enrollment, funding, transportation, and diversity ratios/desegregation court orders. Many of the issues raised are the same issues addressed in Section 2. A list of witnesses appearing before the Joint Committee on Education can be found in Appendix A.

Funding. Witnesses testified on the potential effect of interdistrict open enrollment on school funding. Specifically, discrepancies in per pupil expenditures among local school districts could mean that varying amounts of local revenue would be transferred out of a district when a student opted to enroll in a district other than the district of residence.

Special Education. Witnesses testified on several issues related to services for students with special needs including transportation, admissions criteria, and compliance with IDEA.

Capacity. Witnesses testified on the potential impact to changes in district enrollment. While some witnesses noted the potential for decreased enrollment, other witnesses from districts experiencing significant growth were concerned about their capacity for accepting nonresident students and the potential for increased enrollments and class sizes. One witness noted that open enrollment could provide the opportunity to attract nonresident students to the district if the district was looking to expand its enrollment.

Diversity. Several witnesses testified regarding their concern that open enrollment has the potential to be divisive by class and race. Another witness testified that open enrollment has the potential to increase diversity if minority students from unaccredited urban districts transfer to surrounding districts with smaller percentages of minority students.

²⁴ Audio files of each hearing are on file in the office of the Joint Committee on Education.

Parental and Community Involvement. Witnesses testified regarding their concern that parents could become disinterested and disconnected from the school their child attends because of a lack of ties to the community. Other witnesses testified that parental involvement might increase if parents had made a conscious decision to choose their child's school.

Motivations for Transfers. Witnesses testified that not all students would transfer for academic reasons. Some might transfer for reasons as varied as athletics, traveling convenience, or conflicts with teachers or administrators.

Achievement Gains. Witnesses testified that there is no research which suggests open enrollment produces gains in academic achievement.

Locale-specific Situations. Witnesses testified in support of open enrollment based on specific situations they faced in their district of residence. A few parents in rural districts who lived closer to an adjacent district had been denied requests for transfer from boards of arbitration and support open enrollment as a way to resolve issues with attendance boundaries. A few parents from St. Louis testified in support of open enrollment to increase educational opportunities for students in unaccredited schools. The parents specifically referenced problems they experienced with their children not being admitted to county schools when St. Louis Public Schools lost its accreditation.

Appendix A – Public Hearings Witness Lists

What follows is a list of witnesses offering testimony at the public hearings on open enrollment. If the witness was representing an organization or school district, that affiliation is noted.

Jefferson City - October 20, 2009

Larry L. Davis	
Luana Gifford	AFT Missouri
Steve Cookson	Naylor R-II School District
Penney Rector	Missouri Council of School Administrators
Gary Battles	West Nodaway R-I School District
Joseph Knodell	Missouri Education Reform Council
Lois Wankum	

Branson – October 29, 2009

Tom Sharp	Crawford County R-I School District
Brad Carroll	
Steve Cookson	Naylor R-II School District
Phyllis Wolfram	Missouri Council of Administrators of Special Education
Carrie O'Neal	
Peggy Taylor	Missouri School Boards Association ²⁵
Andrea Watts	
Joseph Knodell	Missouri Education Reform Council
Chuck Fugate	Ozark R-VI School District
Timothy Crawley	Taneyville R-II School District
Patricia Roberts	
Kent Medlin	Willard R-II School District

²⁵ Ms. Taylor was asked by a member of the Committee if she was testifying at the hearing representing MSBA. She indicated that MSBA members had not taken a formal vote on their position on open enrollment.

St. Louis – November 4, 2009

Byron Clemens	AFT St. Louis
Carol Prombo	
Susan Turk	St. Louis Schools Watch
Paul Ziegler	Northwest R-I School District
Marianne Doll	Missouri Council of Administrators of Special Education
Terry Adams	Wentzville R-IV School District
Rich Carver	St. Louis Special School District
Mike Fulton	Pattonville School District
Ron Anderson	Jackson R-II School District
Beth Emmendorfer	Jackson R-II School District
Marsha Chappelon	Ladue School District
Steve Cookson	Naylor R-II School District
Anthony Hartsfield	Pemiscot County R-III School District
Earl Simms	Children's Education Council of Missouri
Maxine Davis	Black Alliance for Educational Options
Erica Brooks	
Jodi Jordan	Black Alliance for Educational Options
Richard Dockett	
Bertha Bonds	Black Alliance for Educational Options
Otto Fajen	Missouri National Education Association
John Urkevich	Cooperating School Districts of St. Louis
Maxine Johnson	Black Alliance for Educational Options
Cornell Hassan	Black Alliance for Educational Options
Anita Collins	

Witnesses providing written information

St. Louis - November 4, 2009

Jeanette Savage

Ricky and Tracy Phillips²⁶

Christine and Robert Lockette²⁷

²⁶ Both names were noted on a single witness form. The witnesses did not speak at the hearing.

²⁷ Both names were noted on a single witness form. The witnesses did not speak at the hearing.

Appendix B – Optional Open Enrollment Laws

In addition to Missouri's open enrollment laws described in Section 1, several other states have optional or limited open enrollment laws.

States with Limited or Optional Interdistrict Open Enrollment Laws	
Districts may opt out of participating in interdistrict open enrollment, and/or two or more school boards may opt to enter into voluntary agreements regarding transfers of students.	CA (CEC 46600) ID (IC 33-1401 – 33-1408) KS (KSA 72-8233) LA (LRS 17:105) ME (MSRA 20-A-5203 – 20-A-5204) MA (MGL 76-12) MI (MCL 388.105) MS (MCA 37-15-31) NH (NHRSA 194-D:1 – 194-D:7) NM (NMSA 22-12-5) NY (NY EDN 3202.2) ND (NDCC 15.1-31-01 – 15.1-31-06) OH (ORCA 3313.98 – 3313.981) PA (24 PS 13-1316) VT (VSA 16-1093) WV (WVC 18-5-16a)
Districts may accept students from an adjoining district.	NV (NRS 392.010) RI (RIGL 16-2-19)
Students in low-performing districts are eligible to transfer to a nonresident district.	KY (703 KAR 5:120) LA (LRS 17:10.7) TX (TEC 29.201 – 29.205)
Students must demonstrate a transportation hardship to qualify for transfer to a nonresident district.	MT (MCA 20-5-321)
Select districts may apply to be choice districts. The total number of choice districts is limited to 21 total and no more than one per county.	NJ (NJSA 18A:36B-1 – 18A:36B-17)